

International Student Mobility in the Context of COVID-19 Spread

Inna Plyugina^a and Zhanna Gaunova^b

The Institute of Legislation and Comparative Law under the Government of the Russian Federation, Moscow, Russia

Keywords: Educational Migration, International Student Mobility, Covid 19, Foreign Students.

Abstract: Coronavirus infection COVID-19 has become one of the most difficult challenges to the modern world community: as a response, public authorities in many countries were forced to take significant restrictive measures aimed at preventing its spread, including those concerning the possibility of population movement across state borders and within them. In scientific researches, the issue of permissible limits of limitation of human and civil rights and freedoms in conditions of such large-scale risks and threats to public health was reassessed, the problem of ensuring a balance of public and private interests acquired new facets. An inevitable consequence of implementation of restrictive measures was a decrease in the intensity of migration processes, including educational migration. There are grounds for asserting that under the current conditions the system of international student mobility is passing the transformation. The goal of the study is to determine the impact of the COVID-19 pandemic on international student mobility, identify the problems faced by foreign students, as well as measures taken to overcome them both by the state and educational organizations.

1 INTRODUCTION

Over the years leading up to the pandemic, there was a steady increase in the total number of international students, with many states including in strategic documents targets to stimulate educational migration and increase the number of foreign students (for example, Australia, Canada, the Russian Federation, Japan). Wherein, in the context of the spread of COVID-19 coronavirus infection, the number of foreign students has decreased even in those countries that are among the world's leaders in the field of education.

For example, in the United States, the number of foreign students in colleges and universities has steadily increased for more than 70 years, but due to border closures, canceled flights and many other problems for global mobility in the 2020-2021 academic year, the number of foreign students fell by 15 percent compared to from the previous year to about 914,000 people (Washingtonpost, 2021).

In the Russian Federation, over the past decade, the number of foreign students has increased by almost 2.5 times. In the 2019/2020 academic year, the total number of foreign students at Russian

universities was 315 thousand, which is about 8 % of the total number of students in Russia. In the context of a pandemic, this indicator has decreased: in 2021, about 270 thousand foreign students study in Russian educational institutions of higher education (hereinafter referred to as the universities) (Rossiyskaya Gazeta, 2021). The given data show a decrease in the intensity of educational migration, but this is still not critical. This is largely due to the rapid response measures that were implemented at the state level.

As researchers note, COVID-19 pandemic (Moscovitz, 2020) has impacted international student mobility and reshaped the prospects for higher education around the world. The recognition of foreign students as a priority migration group led to development of solutions aimed at supporting this category of foreign citizens in the face of restrictive measures introduced in connection with prevention of the spread of COVID-19 coronavirus infection. The main difficulty lies in the fact that such measures shall be coordinated with the general vector of the state's regulatory impact, aimed at ensuring the safety of the population and sanitary and epidemiological well-being, and protecting the health of citizens.

^a <https://orcid.org/0000-0001-8489-5427>

^b <https://orcid.org/0000-0002-3119-1079>

2 MATERIALS AND METHODS

In preparing the article, general and special methods of scientific knowledge were used: system-structural method; formal legal method; comparative legal method; method of special legal research; doctrinal; content analysis, and etc. The study was conducted considering the results of foreign and Russian scientific studies on the impact of the COVID-19 pandemic on educational migration and the situation of foreign students. The study methodology involves the study of foreign experience in providing support to foreign students, primarily of states – world leaders, in provision of educational services. Wherein, the results of sociological studies in various countries, as well as the corresponding forecast estimates were considered.

3 RESULTS AND DISCUSSION

Migration legislation is characterized by such a characteristic feature as situationality (Andrichenko and Plugina, 2019). It is impossible to predict fully the change in migration flows, as well as to predict the impact on migration processes of certain factors that determine their qualitative characteristics. The renewed challenges and threats force us to systematically revise the tools used to regulate the migration sphere, take measures to improve the legal means used, and develop new mechanisms that are adequate to changing situations.

With a certain degree of conventionality, we can say that in connection with spread of COVID-19 coronavirus infection, a new stage was laid in the regulation of migration processes, associated with a change in the limits of exercise of the right to freedom of movement, choice of place of stay and residence, greater differentiation of conditions and order entry and stay, introduction of additional requirements for moving people aimed at protecting public health, ensuring sanitary and epidemiological well-being and safety (getting vaccinated, having negative PCR test results, being in quarantine after crossing state borders, and etc.).

When choosing means of preventing the spread of coronavirus infection, the question inevitably arises of ensuring a balance of public and private interests, the permissible limits of restrictions on the right to freedom of movement, choice of place of stay and residence (hereinafter referred to as the freedom of movement) and other rights and freedoms. In this regard, in the Emergency Response and COVID-19

Guidelines issued by the Office of the United Nations High Commissioner for Human Rights on April 27, 2020, it is noted that emergency legislation and measures shall meet the following requirements: a strict time limit; the least restrictive measure to achieve the required public health goals; the inclusion of guarantees, including revision and termination clauses, which ensure a return to normal law at the end of the emergency. In addition, it is emphasized that, even in an emergency, measures to protect the health and well-being of populations shall be based on the rule of law, and emergency powers shall be used within the parameters established by international human rights law, namely, the International Covenant on Civil and political rights.

The International Health Regulations allow for introduction of thirteen possible WHO recommendations for States Parties (Article 18), including: to deny entry to uninfected persons in contaminated areas; refuse entry to suspicious or infected persons; conduct screening on the road and/or impose restrictions on individuals from contaminated areas; require vaccination or other preventive measures, quarantine or take other health measures in relation to persons suspected of being infected; take measures to isolate and, if necessary, treat infected persons, and etc (International health regulations, 2005).

Despite the fact that the content of the measures taken by states to counter the spread of COVID-19 infection can be generally considered similar (these measures, for example, often included restrictions on free movement and public events, use of personal protective equipment, and etc.), their legal form, and, consequently, the practice of judicial control over their application, is characterized by a significant variety (Constitutional Court of the Russian Federation. Restrictions on freedom of movement in the context of the COVID-19 pandemic, URL: ksrf.ru).

The impact of restrictive measures taken by many states has affected the education system. It is noted that the COVID-19 pandemic has caused the largest disruption to the education system in history, affecting nearly 1.6 billion students in more than 190 countries on all continents. Closure of schools and other educational institutions affected 94 % of students in the world (Policy Brief: Education during COVID-19 and beyond, august 2020).

Quite often in scientific publications published since 2020, you can find phrases like “education will never be the same” or “COVID-19 changed the situation in the field of education forever”. It is noted that the traditional education system is being replaced

by a "hybrid" model of education, which combines face-to-face and online classes (Yildirim et al., 2021). The impact of COVID-19 was expressed, namely, in the following: a change in the way educational services are provided, the increasing spread of distance learning methods; stimulating the development of new educational technologies, tools used in teaching and transfer; personalization of training, increasing the proportion of independent work; more flexible training schedules; and etc. When characterizing the current state of educational migration, the concept of "virtual international student mobility" is often used, reflecting the essence of the current situation (Bell, Keegan, Zaitseva, 2007).

According to the results of the first global study on the impact of COVID-19 on higher education conducted by the International Association of Universities in March - April of 2020, almost all universities that took part in the survey (423 out of 424 organizations) stated the negative impact of COVID-19. Wherein, 89 % of the universities surveyed also noted the impact of COVID-19 on the mobility of foreign students: in Europe, almost all universities were affected (95 %), a high percentage — in America (78 %), the Asia-Pacific region (85 %), slightly lower — in Africa (78 %). The nature of this impact on the mobility of international students is varied and varies from organization to organization (Marinoni, 2020).

As for the foreign students themselves, they also found themselves in a very difficult situation, firstly, due to the closure of state borders and visa difficulties, and secondly, transition to online education instead of the declared and paid full-time format. Although most educational organizations quickly replaced face-to-face lectures with online lectures, the restrictions nevertheless affected the current learning process. So, in the UK in 2020, a petition was sent demanding to reimburse students for tuition due to strikes and COVID-19 (Closed petition. Reimburse all students of this year's fees due to strikes and COVID-19, URL: petition.parliament.uk). In its response, the government recognizes that students shall be able to take action if they are not satisfied with their university's response to the pandemic. However, the recommendation was rejected for a new centralized system that allows all students to easily seek full or partial reimbursement of tuition fees or repeat part of their course (Committee welcomes Government response to coronavirus university report but warns it «risks letting down students», 2020).

Many foreign students in the current conditions generally abandon the idea of studying abroad or choose for the states of their region. Thus, according to a survey conducted among Chinese and Hong Kong students (Xiong, Mok, Ke and Cheung, 2020) 84 % of the 2,739 respondents are unwilling to study abroad after the pandemic. The respondents also noted that they are mainly focused on education in the Asian region (Hong Kong, Japan and Taiwan, and etc.).

In the context of the transition to online learning, the problem of the digital divide has become even more urgent. Many students do not have the technical ability to study in a distance learning format. Educational organizations also face difficulties. It is noted that developing countries find themselves in the conditions of a lack of resources and experience to establish in a short time distance learning at a decent level; there are no experienced programmers and web designers, institutional, logistical capabilities, no proven high-quality educational resources, no understanding of the features of online teaching, distance learning methods (Karpinskaya, 2020).

It is difficult to say exactly how the tools currently used in distance learning will be used after returning to the usual full-time format, but it can be predicted that they will be largely integrated into the educational process by that time and with a high degree of probability will be in that or to some other extent applied further. However, another point of view is also expressed: some researchers believe that after the end of the "coronacrisis", conservative higher education will remain largely the same, and the changes will more likely affect the financial side than the technological side (Altbach, 2020).

Despite the current situation, the competition for foreign students, it seems, will not lose its relevance in the foreseeable future, regardless of the format in which the training will be carried out. In any case, the determining factor will be the quality of the education received, its relevance in the international labor market.

The conditions for the entry and stay (residence) of foreign students in the state of education will be relevant if the study is carried out full-time, as well as if foreign students plan to stay in the state in order to further work, obtain a residence permit, and etc. In the case of "virtual international student mobility", such conditions will not have a decisive influence on the choice of the state of study.

When regulating international student mobility, the choice of tools depends on the basic goal pursued by the state in relation to the relevant category of

foreign citizens. Three such basic goals can be distinguished:

- focus on the export of educational services and the formation of scientific ties, popularization of the national education system, integration into the world educational space;
- using the potential of educational migration to increase the number of skilled labor;
- stimulating graduates of educational organizations to permanently reside in the state of receiving education, and in the future – to obtain citizenship of this state in order to solve demographic problems.

If we proceed from the fact that the main goal pursued by the state in regulating educational migration is the export of educational services and the formation of scientific ties, then the primary legal measures shall be aimed at simplifying the procedure for entry and stay on the territory of the state of study, suggest the possibility of transition from one educational organization to another one, as well as allow changes in educational programs for which education is carried out, without re-issuing a visa and leaving the state of study.

If we consider foreign citizens - graduates of educational organizations as a potential qualified workforce with a high degree of adaptation to the host society and focus on the task of increasing the number of working-age population, then it seems reasonable to simplify the procedure for carrying out labor activities for foreign students during the period of study, as well as in providing conditions to find a job after graduation.

Finally, in order to stimulate persons who have received vocational education to permanently reside or to obtain citizenship of the state of study in order to improve the general demographic situation, it is advisable to create preferential conditions for acquiring citizenship, simplifying the procedure for obtaining a residence permit.

In the context of the spread of COVID-19 coronavirus infection, special operational measures were implemented to support foreign students and create conditions for their continued education. First of all, such measures are associated with a change in the procedure for entering and staying in the territory of the state for receiving education, extending visas in a simplified manner, less often – they involve the provision of social support, an increase in the length of stay after graduation, and expansion of employment opportunities.

For example, in the Russian Federation in August 2021, it was decided to remove the last restrictions on the entry of Russian students, and regardless of

whether there is an air connection with the country of departure or not, and algorithms for the work of universities with foreign students have been approved.

The State Duma of the Federal Assembly of the Russian Federation is considering draft Federal Law No. 1193560-7 "On Amendments to the Federal Law "On the Legal Status of Foreign Citizens in the Russian Federation and Certain Legislative Acts of the Russian Federation", aimed at simplifying the order of stay (residence) of foreign citizens and stateless persons who arrived in the Russian Federation in order to receive education in a state educational institution of higher education or a state scientific organization. Namely, its provisions offer to introduce a temporary residence permit for the purpose of obtaining education; foreign citizens who have it will be able to obtain a residence permit in the Russian Federation within three years after graduation in a simplified manner, as well as a number of other preferences.

In some countries, restrictions on the employment of foreign students have been relaxed. So, among the latest changes in the UK, which is one of the world leaders in the field of educational services, this year an initiative was implemented that allows certain categories of students to stay in the UK for work or job search for 2 years (3 years if they are studying at PhD level). In Ireland, it has been decided that student visa holders can work 40 hours a week until further notice of the change in rules.

Opening of state borders and the granting the right of entry to foreign students has been uneven. For example, the PRC is still closed to foreign students. Student visa holders will be able to enter Australia from December 15, 2021, subject to full vaccination with certain vaccines (International Student Arrivals, coronavirus.vic.gov.au). The Government of Canada announced that, effective January 15, 2022, certain groups of travelers who are currently exempted from entry requirements will only be allowed to enter the country if they are fully vaccinated with one of the vaccines approved to enter the country; such groups include foreign students aged 18 and over.

Educational organizations are also implementing their own measures to support foreign students by increasing scholarships, canceling dormitory fees, helping patients with coronavirus infection, promoting temporary employment, and etc. For example, in Tomsk State University of Control Systems and Radioelectronics, in order to help students and graduates of the university in finding work, the Employment Promotion Center was opened, which provides consultations and also

organizes meetings with employers in the framework of various events.

Many educational organizations have changed the standardized testing requirements for admission. Thus, more than half of all four-year colleges and universities in the United States did not require taking the ACT and SAT test results upon admission in the fall of 2021 (More Than Half of All U.S. Four-Years Colleges and Universities Will Be Test-Optional for Fall 2021 Admission, fairtest.org).

4 CONCLUSIONS

The restrictive measures taken by many states in order to protect the population and ensure security have significantly influenced educational migration and the situation of foreign students. It is very difficult to predict exactly how the educational system will change after the restrictions are lifted, but there is reason to believe that by that time the tools used for online learning will be tested and largely integrated into the educational process, its complete withdrawal is unlikely.

When choosing restrictive measures at the national level, including in relation to foreign students, different approaches are used. It is necessary to take into account the limits of restrictions established by international standards, as well as to correlate the adequacy of the measures taken to the existing challenges and threats.

In many states, additional measures are being taken to support foreign students who find themselves in a difficult situation in the context of the spread of the coronavirus infection COVID-19 and the limitation of movement. Such measures are associated with a change in the conditions of entry and stay in the territory of the state of education, the extension of visas in a simplified manner, provision of social support, increase in the length of stay after graduation, the expansion of employment opportunities, and etc. Their choice depends on the total number of foreign students studying in educational institutions of a particular state, the available financial and economic opportunities to provide social and other support measures, the level of protection of the population from COVID-19 coronavirus infection (including taking into account the number of vaccinated persons), and etc.

REFERENCES

- Andrichenko, L. V., Plugina, I. V., 2019. *Migration legislation of the Russian Federation: development trends and application practice*: monograph, M.: IZiSP: Norm: INFRA M, 392 p.
- Khabrieva, T.Ya., 2019. *Migration law: comparative legal research*: monograph, M.: Institute of Legislation and Comparative Law under the Government of the Russian Federation, 200 p.
- Moscovitz, H., 2020. *The «International University» in an immobile world: rethinking internationalisation in the COVID-19 era*. URL: <https://postpandemicuniversity.net/2020/09/13/the-international-university-in-an-immobile-world-rethinking-internationalisation-in-the-covid-19-era/>.
- Gonzalez, T., De la Rubia, M.A., Hincz, K.P., Comas-Lopez, M., Subirats, L., Fort, S. and Sacha, G.M., 2020. *Influence of COVID-19 confinement on students performance in higher education*, PLOS ONE, Vol. 15 No. 10, pp. 1-23.
- Yıldırım, S., Bostancı, S.H., Yıldırım, D.Ç. and Erdoğan, F., 2021. *Rethinking mobility of international university students during COVID-19 pandemic*, *Higher Education Evaluation and Development*, Vol. 15 No. 2, pp. 98-113.
- Bell F., Keegan H., Zaitseva E., 2007. *Designing Virtual Student Mobility*, The fourth education in a changing environment conference book, p. 59. URL: http://www.ece.salford.ac.uk/proceedings/papers/06_07.pdf.
- Marinoni, G., 2020. Hilligje van't Land, Jensen T., The impact of COVID-19 on higher education around the world. IAU Global Survey Report.
- Xiong, W., Mok, K.H., Ke, G. and Cheung, J.O.W., 2020. *Impact of COVID-19 pandemic on international higher education and student mobility: student perspectives from Mainland, China and Hong Kong*, Working Paper, № 54, September 2020. Published by the Centre for Global Higher Education.
- Altbach, P.G., Wit de, H., 2020. *COVID-19: The internationalisation revolution that isn't*, University World News. 2020. March 14.